

Serial No. 10/047,586

Atty Docket No. SUE-001-US

portion thereof with a respective outermost portion of each of the remaining plurality of blades; and

affecting a relative motion between the elongated food item and the plurality of blades thereby slicing at least a portion of the food item and yet supporting the elongated food item within the elongated hollow body.

17. (currently amended) A food slicer comprising:

an elongated hollow body for slicing an elongated food item, said elongated hollow body having an inner wall and an outer wall, said walls defining an elongated interior that supports the elongated food item, and said hollow body having a length greater than a respective diameter;

a plurality of blades within said elongated hollow body and extending across a cross-section thereof, whereby said plurality of blades is the only plurality of blades of said food slicer, and each of said plurality of blades is substantially laterally aligned at an outermost portion thereof with a respective outermost portion of each of the remaining plurality of blades; and

a means for affecting a relative motion between said plurality of blades and the elongated food item whereby at least a portion of the elongated food item is sliced within said interior.

Remarks:

35 U.S.C. 112 2nd Paragraph

Claims 13 and 14 stand rejected under 35 U.S.C. 112 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner states that both claim 13 and claim 14 are defective in that both affirmatively claim

Serial No. 10/047,586

Atty Docket No. SUE-001-US

"blades fixed within said interior" and "a fixed plurality of blades", respectively. And yet it is not clear how the blades slide up and down during the slicing operation or how the blade rack slides within the grooves.

Applicant respectfully notes the following: neither claim 13 nor claim 14 claims blades that slide up and down or within the grooves during the cutting operation. It is therefore questionable why the examiner brings these limitations to bear relative to examination of claims 13 and 14. An embodiment as claimed in claims 13 and 14 is described on page 5, lines 5-24,

A plurality of blades 55 is disposed within an upper region of the body 48. As shown in Fig. 16, the blades 55 are equidistantly fixed to the inner wall 49 and/or to the open end 50. As also shown, the blades 55 extend across multiple radii of the cylindrical body 48, thereby preferably forming a plurality of pie-shaped regions equal in area. A base 62 is fixed to the body 48 at the second end 52, wherein an axis 60 passes centrally and perpendicularly therethrough.

The upper portion 44 contains a meat holder or food receptacle 66 and a plurality of arms 68 integral thereto, thereby functioning to hold the meat or food product as it is sliced.

In operation, the meat product is placed within the meat holder 66. The meat holder 66 and the arms 68 are then placed over the first end 50 of the lower portion 46. The meat product is then driven down through the blades 55, resulting in a meat product having a plurality of cut portions having an equivalent or closely equivalent volumetric shape. Once the food product is sliced as desired, the food or meat holder 66 is then moved upwardly from the second end 52 or toward the first end 50 while gripping an uncut portion of the food. The resultant sliced food product is thereby removed from the lower portion 46 and again through the blades 55.

In view of the above and for the reasons given, Applicant respectfully traverses the rejection of claims 13 and 14, for Applicant has not claimed a device having slideable blades in either claim. Rather, the claims affirmatively indicate that the device has a fixed plurality of blades that are impinged by a food product contained within the receptacle.

35 U.S.C. 102(b)

Claims 1-4, 8-12, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,771,771 to Gagliardi, Jr. ('771).

Serial No. 10/047,586

Atty Docket No. SUE-001-US

Applicant has amended based on the examiner's comments in paper no. 13. Antecedent basis for the amendments is found in the drawings, for example. Note that with regard to the amendments made to claims 1, 2, 11, and 15-17, for example, figures 2, 3, 15, and 16 provide antecedent basis to show a plurality of blades, whereby the plurality of blades is the only plurality of blades of the food slicer, and each of the plurality of blades is substantially laterally aligned at an outermost portion thereof with a respective outermost portion of each of the remaining plurality of blades.

Relative to the rejections under 35 U.S.C. 102(b) therefore, Applicant states that none of the references now respond to the limitations of the amended claims. Applicant therefore respectfully traverses the rejections under 35 U.S.C 102(b), for neither Gagliardi ('771), nor any other reference of record describes with particularity the present limitations. Nor does '771 either alone or taken with another reference of record describe, suggest, or otherwise motivate one of ordinary skill in the art to form an article as claimed or to slice a food product as claimed. For none of the references when taken alone or in combination describe all of the limitations of the claims.

35 U.S.C. 103(a)

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gagliardi in view of Priore. As noted above, Gagliardi does not describe a cutting device with a single plurality of blades whereby each blade has an outermost portion substantially laterally aligned with respective outermost portions of the remaining blades. The inherent advantages of such a device includes manufacturing simplification with reduced costs and reduced parts, while still providing a sliced product. Priore does not resolve the deficiencies of '771 as described above, for neither Priore nor Gagliardi when taken alone or combined, respond to the limitations of the device and method now claimed. Stated another way, all of the limitations of the claims are neither described nor suggested either alone or in combination with any of the references, and

Serial No. 10/047,886

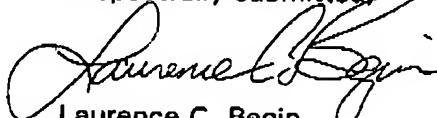
Atty Docket No. SUE-001-US

therefore a prima facie case of obviousness is simply not supported. Furthermore, there is no motivation found in either reference to combine one with the other. The requisite motivation to combine must be found within the references when asserting a prima facie case of obviousness.

Claims 6, 7, 13, and 14 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gagliardi in view of Berler. Again, Berler does not resolve the deficiencies of '771 as described above, for neither Berler nor Gagliardi when taken alone or combined, respond to the limitations of the device and method now claimed. Stated another way, all of the limitations of the claims are neither described nor suggested either alone or in combination with any of the references, and therefore a prima facie case of obviousness is simply not supported. Furthermore, there is no motivation found in either reference to combine one with the other. The requisite motivation to combine must be found within the references when asserting a prima facie case of obviousness.

Accordingly, the allowance of claims 1-17 and passage of the subject application to issue is courteously solicited. Applicant has not calculated a fee to be due in connection with this paper. If the Applicants may be of any further assistance in the prosecution of this Application, the Examiner is invited to contact the undersigned at (248) 889-5875.

Respectfully submitted



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